

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

PLAINTIFFS

Securities Investor Protection Corporation

ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

See attachment

DEFENDANTS

Bernard L. Madoff Investment Securities, LLC

ATTORNEYS (IF KNOWN)

Attorneys for Trustee: Baker Hostetler LLP
45 Rockefeller Plaza, NY NY 10111 (212) 589-4200

CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)
(DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

28 U.S.C. § 158: appeal from decision and order of U.S. Bankruptcy Court

Has this or a similar case been previously filed in SDNY at any time? No? ☐ Yes? ☒ Judge Previously Assigned Hon. Denise L. Cote

If yes, was this case Vol. ☐ Invol. ☐ Dismissed. No ☒ Yes ☐ If yes, give date _____ & Case No. 11-CV-5683

(PLACE AN [x] IN ONE BOX ONLY)

NATURE OF SUIT

ACTIONS UNDER STATUTES

	TORTS		FORFEITURE/PENALTY		BANKRUPTCY		OTHER STATUTES	
CONTRACT	PERSONAL INJURY	PERSONAL INJURY	<input type="checkbox"/> 810 AGRICULTURE	<input checked="" type="checkbox"/> 422 APPEAL	<input type="checkbox"/> 400 STATE			
<input type="checkbox"/> 110 INSURANCE	<input type="checkbox"/> 310 AIRPLANE	<input type="checkbox"/> 362 PERSONAL INJURY -	<input type="checkbox"/> 820 OTHER FOOD &	28 USC 158	<input type="checkbox"/> 410 REAPPORTIONMENT			
<input type="checkbox"/> 120 MARINE	<input type="checkbox"/> 315 AIRPLANE PRODUCT	MED MALPRACTICE	<input type="checkbox"/> 825 DRUG RELATED	<input type="checkbox"/> 423 WITHDRAWAL	<input type="checkbox"/> 430 BANKS & BANKING			
<input type="checkbox"/> 130 MILLER ACT	LIABILITY	<input type="checkbox"/> 365 PERSONAL INJURY	SEIZURE OF	28 USC 157	<input type="checkbox"/> 450 COMMERCE			
<input type="checkbox"/> 140 NEGOTIABLE	<input type="checkbox"/> 320 ASSAULT, LIBEL &	PRODUCT LIABILITY	PROPERTY		<input type="checkbox"/> 460 DEPORTATION			
INSTRUMENT	SLANDER	<input type="checkbox"/> 368 ASBESTOS PERSONAL	21 USC 881	PROPERTY RIGHTS	<input type="checkbox"/> 470 RACKETEER INFLU-			
<input type="checkbox"/> 150 RECOVERY OF	<input type="checkbox"/> 330 FEDERAL	INJURY PRODUCT	<input type="checkbox"/> 630 LIQUOR LAWS	<input type="checkbox"/> 820 COPYRIGHTS	ENCED & CORRUPT			
OVERPAYMENT &	EMPLOYERS'	LIABILITY	<input type="checkbox"/> 640 RR & TRUCK	<input type="checkbox"/> 830 PATENT	ORGANIZATION ACT			
ENFORCEMENT OF	LIABILITY	PERSONAL PROPERTY	<input type="checkbox"/> 650 AIRLINE REGS	<input type="checkbox"/> 840 TRADEMARK	(RICO)			
JUDGMENT	<input type="checkbox"/> 340 MARINE		<input type="checkbox"/> 660 OCCUPATIONAL		<input type="checkbox"/> 480 CONSUMER CREDIT			
<input type="checkbox"/> 151 MEDICARE ACT	LIABILITY	<input type="checkbox"/> 370 OTHER FRAUD	<input type="checkbox"/> 690 OTHER	SOCIAL SECURITY	<input type="checkbox"/> 490 CABLE/SATELLITE TV			
<input type="checkbox"/> 152 RECOVERY OF	<input type="checkbox"/> 345 MARINE PRODUCT	<input type="checkbox"/> 371 TRUTH IN LENDING	LABOR	<input type="checkbox"/> 881 HIA (1395ff)	<input type="checkbox"/> 810 SELECTIVE SERVICE			
DEFAULTED	LIABILITY	<input type="checkbox"/> 380 OTHER PERSONAL	<input type="checkbox"/> 710 FAIR LABOR	<input type="checkbox"/> 882 BLACK LUNG (923)	<input type="checkbox"/> 850 SECURITIES/			
STUDENT LOANS	<input type="checkbox"/> 350 MOTOR VEHICLE	PROPERTY DAMAGE	<input type="checkbox"/> 720 STANDARDS ACT	<input type="checkbox"/> 883 DIWC/DWW (405(g))	COMMODITIES/			
(EXOL VETERANS)	<input type="checkbox"/> 355 MOTOR VEHICLE	PRODUCT LIABILITY	<input type="checkbox"/> 730 LABOR/MGMT	<input type="checkbox"/> 884 SSID TITLE XVI	EXCHANGE			
<input type="checkbox"/> 153 RECOVERY OF	<input type="checkbox"/> 360 OTHER PERSONAL	<input type="checkbox"/> 385 PROPERTY DAMAGE	RELATIONS	<input type="checkbox"/> 885 RSI (406(g))	<input type="checkbox"/> 876 CUSTOMER			
OVERPAYMENT OF	INJURY	PRODUCT LIABILITY	<input type="checkbox"/> 740 REPORTING &	FEDERAL TAX SUITS	CHALLENGE			
VETERAN'S BENEFITS			DISCLOSURE ACT	<input type="checkbox"/> 870 TAXES (U.S. Plaintiff or	12 USC 3410			
<input type="checkbox"/> 160 STOCKHOLDERS SUITS	ACTIONS UNDER STATUTES		<input type="checkbox"/> 750 RAILWAY LABOR ACT	Defendant)	<input type="checkbox"/> 890 OTHER STATUTORY			
<input type="checkbox"/> 180 OTHER CONTRACT	CIVIL RIGHTS	PRISONER PETITIONS	<input type="checkbox"/> 790 OTHER LABOR	<input type="checkbox"/> 871 IRS-THIRD PARTY	ACTIONS			
<input type="checkbox"/> 195 CONTRACT PRODUCT	<input type="checkbox"/> 441 VOTING	<input type="checkbox"/> 610 MOTIONS TO	LITIGATION	28 USC 7609	<input type="checkbox"/> 891 AGRICULTURAL ACTS			
LIABILITY	<input type="checkbox"/> 442 EMPLOYMENT	VACATE SENTENCE	<input type="checkbox"/> 791 EMPL RET INC		<input type="checkbox"/> 892 ECONOMIC			
<input type="checkbox"/> 196 FRANCHISE	<input type="checkbox"/> 443 HOUSING/	20 USC 2255	SECURITY ACT		STABILIZATION ACT			
	ACCOMMODATIONS	<input type="checkbox"/> 630 HABEAS CORPUS	IMMIGRATION		<input type="checkbox"/> 893 ENVIRONMENTAL			
REAL PROPERTY	<input type="checkbox"/> 444 WELFARE	<input type="checkbox"/> 635 DEATH PENALTY	<input type="checkbox"/> 462 NATURALIZATION		MATTERS			
<input type="checkbox"/> 210 LAND CONDEMNATION	<input type="checkbox"/> 445 AMERICANS WITH	<input type="checkbox"/> 640 MANDAMUS & OTHER	APPLICATION		<input type="checkbox"/> 894 ENERGY			
<input type="checkbox"/> 220 FORECLOSURE	DISABILITIES -	<input type="checkbox"/> 650 CIVIL RIGHTS	<input type="checkbox"/> 463 HABEAS CORPUS-		ALLOCATION ACT			
<input type="checkbox"/> 230 RENT LEASE &	EMPLOYMENT	<input type="checkbox"/> 655 PRISON CONDITION	ALIEN DETAINEE		<input type="checkbox"/> 895 FREEDOM OF			
EJECTMENT	<input type="checkbox"/> 446 AMERICANS WITH		OTHER IMMIGRATION		INFORMATION ACT			
<input type="checkbox"/> 240 TORTS TO LAND	DISABILITIES -OTHER		ACTIONS		<input type="checkbox"/> 900 APPEAL OF FEE			
<input type="checkbox"/> 245 TORT PRODUCT	<input type="checkbox"/> 440 OTHER CIVIL RIGHTS				DETERMINATION			
LIABILITY					UNDER EQUAL ACCESS			
<input type="checkbox"/> 290 ALL OTHER					TO JUSTICE			
REAL PROPERTY					<input type="checkbox"/> 950 CONSTITUTIONALITY			
					OF STATE STATUTES			

Check if demanded in complaint:

☐ CHECK IF THIS IS A CLASS ACTION
UNDER F.R.C.P. 23

DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.?
IF SO, STATE:

DEMAND \$ _____ OTHER _____ JUDGE Hon. Denise L. Cote DOCKET NUMBER 11-CV-5683

Check YES only if demanded in complaint
JURY DEMAND: ☐ YES ☐ NO

NOTE: Please submit at the time of filing an explanation of why cases are deemed related.

(PLACE AN x IN ONE BOX ONLY)

ORIGIN

- ☒ 1 Original Proceeding ☐ 2a. Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from (Specify District) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judge Judgment
- ☐ 2b. Removed from State Court AND at least one party is pro se.

(PLACE AN x IN ONE BOX ONLY)

BASIS OF JURISDICTION

- ☐ 1 U.S. PLAINTIFF ☐ 2 U.S. DEFENDANT ☒ 3 FEDERAL QUESTION (U.S. NOT A PARTY) ☐ 4 DIVERSITY

IF DIVERSITY, INDICATE
CITIZENSHIP BELOW.
(28 USC 1322, 1441)

CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)

(Place an [X] in one box for Plaintiff and one box for Defendant)

CITIZEN OF THIS STATE	PTF DEF [] []	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	PTF DEF [] []	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	PTF DEF [] []
CITIZEN OF ANOTHER STATE	[] []	INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	[] []	FOREIGN NATION	[] []

PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)

Appellants Sally S. Beaudette, C. Thomas & Margaret H. Brown, Donald H. Hangen, Henry T. DeNero and Nancy S. DeNero, James P. Dulany, Jan Feldman, James L. Kruse, Markian D. Stecyk, Marshall G. Rowe, Robert H. Scott & Molly McNaughton, Charles F. Rolecek, Harvey A. Taylor, Lee F. Wood and Martha L. Wood:

Orr & Reno, P.A.

William L. Chapman, Esq.

P.O. Box 3550

Concord, NH 03302-3550

(603) 224-2381

DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)

Appellee: Irving H. Picard, as Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC
Baker & Hostetter, LLP
45 Rockefeller Plaza
New York, NY 10111 (NY County)

DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

Check one: THIS ACTION SHOULD BE ASSIGNED TO: ☐ WHITE PLAINS ☒ MANHATTAN
(DO NOT check either box if this a PRISONER PETITION.)

DATE 9/7/11 SIGNATURE OF ATTORNEY OF RECORD

ADMITTED TO PRACTICE IN THIS DISTRICT

☒ NO

☐ YES (DATE ADMITTED Mo. _____ Yr. _____)

Attorney Bar Code #

RECEIPT #

William L. Chapman

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge _____ is so Designated.

Ruby J. Krajick, Clerk of Court by _____ Deputy Clerk, DATED _____

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)